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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,734	06/03/2002	Johann Mitterreiter	56/367	2049

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EXAMINER

HOOLAHAN, AMANDA J

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,734

Applicant(s)

MITTERREITER, JOHANN

Examiner

Amanda J Hoolahan

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12-57 are rejected under 35 U.S.C. 102(b) as being unpatentable by USPN 5,758,427 to Feichtinger et al. [hereinafter Feichtinger].

Numerals a, b, C, D, and E have been added to Figure 2 by the examiner in reference to certain components of the device disclosed by Feichtinger. See copy attached at the end of this action.

Feichtinger discloses a coupling element for an angle-measuring device for connecting a first component to a second component in a radially resilient, but torsion-proof manner with respect to an axis of rotation, comprising a base (12); a first bracket (6) rigidly fastened on said base and said first component, wherein said first bracket comprises a first outer support connection location (19a), a second outer support connection location (19b) and an inner support connection location (C) centered in a circumferential direction with respect to said axis of rotation between said first and second outer support connection locations; wherein one of said first outer support connection locations of said first bracket and said inner support connection location of said first bracket forms a connection of said first bracket and said base and the other of said first outer support connection location of said first bracket and said inner support connection location of said first bracket is rigidly connected with said first component; a second

Art Unit: 2859

bracket (8) rigidly fastened on said base and on said second component and which extends at a right angle with respect to said first bracket, wherein said second bracket comprises a first outer support connection location (8b), a second outer support connection location (8a) and an inner support connection location entered in a circumferential direction with respect to said axis of rotation between said first and second outer support connection locations of said second bracket; wherein one of said first outer support connection locations of said second bracket and said inner support connection location of said second bracket forms a connection of said second bracket and said base and the other of said first outer support connection location of said second bracket and said inner support connection location of said second bracket is rigidly connected with said second component; wherein flexural strength of said first bracket in a region along said axis of rotation between said inner support connection location of said first bracket and a connecting line of said first and second outer support connection locations of said first bracket is considerably greater than the flexural strength in a region along a circumferential direction between said inner support connection location of said first bracket and said first and second outer support connection locations of said first bracket; and wherein flexural strength of said second bracket in a region along said axis of rotation between said inner support connection location of said second bracket and a connecting line of said first and second outer support connection locations of said second bracket is considerably greater than the flexural strength in a region along a circumferential direction between said inner support connection location of said second bracket and said first and second outer support connection locations of said second bracket; said inner support connection location of said first bracket forms a connection of said first bracket with said base, and said first and second outer support connection locations of said first bracket are rigidly

Art Unit: 2859

connected with said first component; said inner support connection location of said second bracket forms a connection of said second bracket with said base, and said first and second outer support connection locations of said second bracket are rigidly connected with said second component; said inner support connection location of said first bracket is rigidly attached to said first component, and said first and second outer support connection locations of said first bracket form a connection of said first bracket and said base; said inner support connection location of said second bracket is rigidly attached to said second component, and said first and second outer support connection locations of said second bracket form a connection of said second bracket and said base; said coupling element is formed of a piece of sheet metal shaped in one piece (column 3, lines 48-51); said first and second outer support connection locations of said first and second brackets and said inner support connection locations of said first and second brackets are each located on a common plane that extends at a right angle to said axis of rotation; said first bracket is bent at a bending connection location so that said first bracket is bent at 90° with respect to said base, wherein said bending connection is one of said first outer support connection locations of said first bracket or said inner support connection location of said first bracket; and said second bracket is bent at a second bending connection location so that said second bracket is bent at 90° with respect to said base, wherein said second bending connection is one of said first outer support connection locations of said second bracket or said inner support connection location of said second bracket (see Figure 2); a third bracket (7) rigidly fastened on said first component, wherein said third bracket is arranged opposite to said first bracket and extends parallel with said first bracket, and said first bracket and said third bracket constitute a first pair of brackets; and a fourth bracket (9) rigidly fastened on said second component,

Art Unit: 2859

wherein said fourth bracket is arranged opposite to said second bracket and extends parallel with said second bracket, and said second bracket and said fourth bracket constitute a second pair of brackets; said base is axially resilient (column 3, lines 44-46); said base comprises a bend to make said base axial resilient (see Figure 2); said base comprises a bead (18) to make said base axial resilient; said bend comprises a bead; said first and second outer support connection locations of said first bracket are each a bore (19 and D, see Figure 2); said inner support connection location of said first bracket is a bore; said inner support connection location of said second bracket is a bore (E); said first and third brackets are located parallel and opposite each other and are fastened on a first flange of a shaft adapter, and said second and fourth brackets extend perpendicular with respect to said first bracket and are located parallel and opposite each other, are fastened on a second flange of said shaft adapter (see Figure 4); said first flange is rigidly fastened to a first shaft (3) and said second flange is rigidly fastened to a second shaft (10); at least one of said first and second flanges has a bore (18b) for the radial clamping of one of said first and second shafts; one of said first and second shafts forms part of an angle-measuring device (4) and said one of said first and second shafts is clamped in said bore (17); an angle measuring device comprising: a scanning unit (not shown but described in column 5, lines 60-63); a stator (3.6); a coupling element connected to said stator and said scanning unit in a torsion-proof, but radially resilient manner with respect to an axis of rotation (2.6, see description of coupling above); said inner support connection location of said first bracket forms a connection of said first bracket with said base, and said first and second outer support connection locations of said first bracket are rigidly connected with said stator (see Figure 6); said inner support connection location of said second bracket forms a connection of said second

Art Unit: 2859

bracket with said base, and said first and second outer support connection locations of said second bracket are rigidly connected with said scanning unit (see Figure 7); said inner support connection location of said first bracket is rigidly attached to said stator, and said first and second outer support connection locations of said first bracket form a connection of said first bracket and said base (see Figure 6).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,501,367 to Fleig et al., US Patent Application Publication No. US 2002/0002777 to Torr, and US Patent Application Publication No. US 2002/0078761 to Meyer disclose angle measuring devices and a coupling to mount the devices.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda J Hoolahan whose telephone number is (703) 308-0139. The examiner can normally be reached on Monday through Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

ajh
July 23, 2003